

THE SATURDAY EVENING POST

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On August 4, 1821, the name was changed to The Saturday Evening Post, while the office of publication was the one formerly occupied by Benjamin Franklin, in the rear of 53 Market Street, Philadelphia.

The paper became the property of The Curtis Publishing Company, the proprietors of The Ladies' Home Journal, in 1897, and is now issued by them at 425 Arch Street, Philadelphia.

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Case to April 19.

DEMAND FOR A JURY TRIAL IS DENIED

Upon Question of Calling In Other Indges to Sit and Hear the Issues Involved Court Re-

to test the right of George W. Shields to hold the office of county attorney, was granted money with which to make a defense. been briefly argued by W. S. Strawn for his own behalf. County Attorney Shields he asks for a divorce on the ground of exargued that there is no law that provides treme cruelty, for the advancement of such a case and contended that in any event he should be entitled to have the issue decided by a jury cruelty. She is awarded a lot in South or by at least three judges of the district. Omaha by way of alimony. court, sitting en banc. He declares that he holds his office by the authority of a majority of the voters of the county, and that, while he has entire confidence in the court, the issue is sufficiently important to

justify him in asking for a jury trial. whether a party is entitled to a jury in gerald of Lincoln executed a note for \$5,000, such a proceeding is definitely settled in the Broatch-Moores case, in which the authorities are overwhelmingly in the negative. He said that he is satisfied with the tribunal before which the case will be heard paid, but that instead of turning over the under the ordinary rules of the court and urged that it is important that the case be tried at a time to render a decision that

will be available. In passing on the motion Judge Powell declared that the supreme court has always held that cases in which public interests are involved may be advanced either in the supreme or district courts. He was convinced that this is one of those cases. In regard to the request of the respondent for a jury he held that no such right exists and that in the nature of things a jury is not advisable in such cases. Personally he would much prefer to submit the issue to a jury, or even to turn it over altogether to one of his associates on the bench, but he believed that one course was as inexpedient in other judges to sit with him in the case he reserved his decision for the present, but stated that he was not favorably impressed with the idea. In any event the burden and the judge on whose docket the case stood.

By agreement between the attorneys the state Building and Loan association of hearing on the merits of the case was then Bloomington, Ill. He alleges that the affairs set for Wednesday. April 19. The main point of the concern are in such a condition that raised by Mr. Winter refers to the consti- they should be wound up and the assets, if tutionality of the blanket ballot, but the any, distributed among the creditors. answer sets up an allegation that may make it necessary to bring the ballot boxes into court, claiming that Shields received enough republican and straight democratic votes to elect him without counting the votes he received as the candidate of the populist and silver republican parties.

Lightning Rod Case in Court.

The old lightning rod swindle is alleged needed with the transfer of the office of in the pleadings in a case in which Judge clerk of the district court is 1st for Mon-Lightning Rod Case in Court. Baxter will listen to arguments on Thursday. Ira F. Hendricks sues Amel and Bertha Blum on a promissory not for \$150. which the defendants allege was procured by fraud. Their story is that the agent put rods on their dwelling with the agreement that they should receive an insurance policy



WINTER AGAINST SHIELDS for \$500, good for five years. A few days later the agent came along in a tremendous charge and save the county the hurry and informed them that it was undependent of a trial. hurry and informed them that it was un-Judge Powell Advances Election Contest constitutional for an agent to issue a policy and they must sign an application to the home company. He produced a paper, which application referred to, but which subsequently proved to be the note that is now !

Divorce Cases. Clark A. Jeffers has applied for a divorce from Glenn Joffers for reasons quite out o the ordinary. Infers alleges that he married the defendant under compulsion in November, 1898. He says that she was at tha time in a delicate condition and caused hi The application of Phil E. Winter for an arrest, alleging a criminal assault. He de advancement of the hearing of the proceed- clares that he was entirely innocent of the ings in quo warranto, by which he proposes charge, but that he married her in order to avoid prosecution because he had no by Judge Powell yesterday, after it had never lived with her and now he declared that she follows him around with a revolver Mr. Winter and by the county attorney in and threatens to kill him. For this reason

> Christina Herbest has been granted a di vorce from Henry Herbest on the ground of

Money Instead of Note Wanted. In the United States court the Exchang bank of Franklin. Pa., has brought sui against the First National bank of Lincoln In an action to recover the sum of \$7.840 Mr. Strawn declared that the question. The plaintiff alleged that in 1895 John Fitz payable to Charles A. Hanna. The note was subsequently transferred to the Lincoln bank and later bought by the plaintiff bank. It is alleged that the note has been cash the defendant has repeatedly requested B. Clark in lieu of the money.

Another Adultery Case.

case of adultery against Abrahar Jacobs was continued by Judge Gordon until April 21 to give the defense time to secure a copy of the record of the court which set aside Jacobs' decree of divorce in Green Bay, Wis., after he was married to his pres ent wife. His attorney stated that he hoped to secure a reversal of that decision because service was not made upon the right man-If he failed to procure the papers required he announced that he would stand on the Nebraska adultery law, which is said to A good many of the members of the council make it practically impossible to convict a married man.

Receiver Asked For.

W. Y. Davis, as administrator of the estate of James M. Duncan, deceased, has sessed for the pavement around the park. brought suit in the United States court responsibility of the decision would fall on asking that Edward Barry be appointed a GAMBLING CASE CONTINUED receiver of the Nebraska affairs of the Inter

Minor Matters in Court. The Transmississippi and International Exposition association has been granted an additional forty days in which to prepare its bill of exceptions in the case in which Frank H. Cummins obtained a judgment

in the lower court. Hearing on the accounting between Frank day, April 17, before Judge Fawcett. Judge Keysor will probably occupy a part of the between-term period by assisting Judge Fawcett to dispose of his equity docket, which has been exceptionally beavy

during the term just closed.

Another one of the numerous Hennessy suits has found its way into United States court, the Hennessys having commenced an in the case, among them being Deputy action to restrain John Buckhoff of this city from selling certain brands of thus. The plaintiffs allege that the defendants are putting out liquors in bottles and under labels that resemble those which they use.

James Shields pleaded guilty to assault and battery before Judge Baker yester-day. Shields previously entered a plea of Balm has conquered it thousands of times. It not guilty to a charge of assault with in-tent to do great bodily injury in connection fered. Try it. One application relieves the with a row in a South Omaka saloon. It i pain.

the couple signed, believing it to be the Mr. Rosewater's Withdrawal from the Management of the Greater America Exposition is Final.

> OMAHA, April 12, 1899.-To the Public In order that there may be no misappre onnection with the Greater America Exosition I desire to have it clearly under tood by all whom it may concern that my resignation from the directory and from the ulvisory board is final. The committee which waited upon me to ascertain the eason for my course and request the reo not feel warranted in being actively or passively identified with its management I have requested that my name be taken N. Y. A train load of equipment for this with without further parleying.

CHARGED TO THE PROPERTY Lot Owners Must Pay the Cost of Grading at Hanscom Park.

E. ROSEWATER.

The Board of Public Works is advertising Thirty-second and Woolworth avenues, djoining Hanscom park. probably go unheeded unless they are will- on its trip this morning. ing to pay the cost.

it will cost in the neighborhood of \$5,000 to way to join Admiral Dewey's fleet in Manila ceivers will express themselves thereon against Cox. Symms Grocery Company grade down the corner. This seemingly bay, while in the meantime small bodies J. McD. Trimble and E. L. Martin two of against Snow, Barkson against Haldman. to level the streets the present pavement same direction. must be torn up, the grading must be done and then the pavement must be relaid, be supplied with 4,200 loaves of bread with gage their attention while there, and that against Euby, First National Bank, Chadron, Bids for the work were called for mainly which to stay hunger while crossing the the much talked of company will en-Bids for the work were called for mainly ascertain what it will cost.

If the city is to be asked to do the grading it will not be done this year. There are barely \$5,000 left in the general fund, out of which the cost must be paid. It is said that this money will be badly needed in other directions before the year is over. are also of the opinion that the residents at the corner who wish to have the "hump" graded down would be doing nothing else than the right thing if they agreed to pay the expense, inasmuch as they are not as-

Parties Under Arrest Give Their Word that They Will Not Gamble in the Interim.

When the complaints against Cliff Cole, Reuben Harvey and G. A. Vanlawegen, charged with gaming and keeping gaming fixtures, were called for trial before Judge Gordon Wednesday afternoon their attorney requested a continuance in order that he might have time to secure two witneses whom he considered necessary. County Atterney Shields objected to the continuance ecause, as he claimed, gambling is being continued just as it was before the men were arrested. He said if either Cole or VanInwegen would give him their word that no more gambling would occur in their rooms during "the interim" he would consent to the continuance. The promise was forthcoming and a continuance was granted The state has summoned several witnesses

County Attorney I. J. Dunn.

That Means Rheamatism. Sore and swollen joints, sharp, shooting pains, torturing muscles, no rest, no sleep. That means rheumatism.

hension concerning my decision to sever all Infantry and Artillery to Pass Through Omaha on the Way to the Orient to Fight for the Flng.

This morning the first of the six long passenger trains from the east loaded consideration of my action evidently labors with soldiers enroute to the Philippines will inder a false impression. While the enter- pass through this city. If they are on prise has my best wishes for its success, I time they will reach Omaha about 7 o'clock. The first three trains will be occupied by the Twenty-first Infantry from Plattsburgh, off all advertising matter and letterheads regiment, carrying fourteen baggage cars and trust that my request will be compiled and a standard sleeper, in charge of a squad of about forty soldiers, went through yesterday. There will be about 1,400 men on the trains reaching here today. This evening there will be a train of seven tourist sleepers, one standard sleeper, and four baggage cars, carrying a detachment of the Sixth artillery from Weehawken, N. J., 239 men and four officers. This

train started Tuesday afternoon. Friday there will be a train of nine touror bids for the grading down of the "hump" ist cars, one standard sleeper, two box cars F. E. Deitrich, Fort Worth, secretary-treasand one baggage car, carrying another de-This is tachment of the Sixth artillery from Fort at the request of the residents near by, but McHenry, near Baltimore. There will be their petition that the work be done will about 300 men on this train. It started

Saturday there will be the sixth train, City Engineer Rosewater has figured that bearing 230 marines from New York on their is gaining ground, although none of the re- Fisher. Haines against Dillrance, Barnes grade down the corner. This seemingly bay, while in the meantime small bodies J. McD. Trimble and E. L. Martin, two of high expense is easily explained. In order of Red Cross people will be carried in the the three receivers, left today for New York.

> plains. DEMORALIZING IMMIGRANT RATES.

New York Agent Makes a Cut of \$6 in the Regular Fare. Two or three weeks ago an Omaha passenger official expressed it as his belief that low second-class tourist tickets to California

some of the western railroads interested in the Chicago roads have announced they will the immigration business were making con- suspend the rate on April 19. tracts for this traffic, contrary to agreements which existed among the several extend its line from Winterset to Creston. He instituted an investigation and whether as a result of that or from other causes it develops that his judgment was correct. One Peter McDowell, a New York. mmigration agent, has been detected in making a lower rate than tariff for this class of business.

The regular immigrant fare from New The regular immigrant fare from New The Burlington is experiencing some York to California, via Chicago and Omaha, trouble with bridges on that part of the rate of \$49. This has resulted in a demoralization of the immigrant traffic and the steamship companies have appealed to the western roads to take some action to put an end to this discrimination. meeting of the general passenger agents of western roads has been called for New York

next Wednesday, when the subject will be taken up with the managers of the steamship lines. It affects all of the Omaha roads and they will be represented at the Convention of Railroad Brakemen. DETROIT, Mich., April 12.-The sixth an-

nual convention of the Association of Rallroad Brakemen is in session in this city. with about 100 delegates present. The convention was welcomed by Mayor Maybury, him. who was followed by Robert Miller, superintendent of motive power and equipment of the Michigan Central, after which the annual address was delivered by President P. O.

Central Pacific Stock Deposited. NEW YORK, April 12.-Speyer & Co. announce that over 91 per cent of the binds and 99 per cent of the stock of the Central Pacific Railroad conmpany have been depos- | kotas.

Soldiers for the Philippines are Being ried Across the Country.

LINCOLN. April 5, 1899.—Court met purbayment of 1 per cent of the par value of suant to adjournment. O. C. Redick was admitted to practice. City National Bank. York, against Vandruff; Rock Island Plow way company remained on the track of the part value MARINES TO STRENGTHEN DEWEY'S FLEET such terms and additional payments as may be imposed.

Position Created for Babcock. N. Babcock of this city, formerly general manager for the Union Stock Yards company at South Omaha, has been tendered the posttion of general western agent for the Lackawanna road, with headquarters at Chicago. Mr. Babcock is out of the cuty and his con-Mr. Babcock is out of the city and his con-firmation of the report cannot be obtained. against Moores, motion to advance It is said the place was created for him by President Truesdale and that Mr. Bahcock will have charge of all freight and passengetraffic business, his territory extending from Chicago to the Pacific coast

Rock Island Officers Elected. FORT WORTH, Tex., April 12 .- The Chiand directors were re-elected today as fol- strike plaintiffs briefs sustained; leave to relows: Directors, J. H. Matthews, Z. T. Owerey, Bowle; J. T. Harris, Ringgold; C. H. Thompson, Guthrie: S. B. Hovey, Fort Worth, Officers: M. A. Lowe, Topeka, president; S. B. Hovey, vice president and general, Banking Company against Koehler, superintendent; J. C. McCabe, Fort Worth, general freight agent; C. B. Sloat, Fort Company against Worth, general passenger and ticket agent: against State, Lewis against Pickering, F. E. Deitrich, Fort Worth, secretary-treas- Auburn against Mayer, Keniston against Ad-

Talk of a Compromise. KANSAS CITY, April 12 .- The talk of a the Kansas City, Pittsburg & Gulf railroad Gowin against Nichols, Knapp against Is gaining ground, although nove of the It is said that matters in connection with When the Twenty-first arrives here it will the reorganization of the company will en-

> Railway Notes and Personals. G. W. Rhodes of Lincoln, assistant super-ntendent of the Burlington road in Nebraska, is a visitor in the city.

Owing to the continued trouble with the It is announced that the Rock Island will is said work will be commenced at once,

Mrs. Clinton Franklin, stenographer for ssistant General Freight Agent Lane of the Union Pacific, has gone to Kansas City to spend a few weeks visiting. She has been ill for a month, and hopes the trip will restore her health.

\$55, while McDowell has been quoting a road northwest of Sheridan, Wyo. High ate of \$49. This has resulted in a de- water is the cause. The telegraph wires in the same territory are also down. General Manager Holdrege is up in that section superintending repairs. C. E. Wantland, general agent for the

Union Pacific land department, is in the city and brings an application from Utah parties to purchase 5.000 acres of land near Henefer in that state. So for this month the department has disposed of 4,000 acres of its land in Kansas, and the demand keeps up. General Passenger Agent Eustis at Chi-

cago has issued a notice that the general office of the Burlington heretofore mainthined at Allentown, Pa., is to be discon-tinued, and in its place an office will be es-tablished at 632 Chestnut street, Philadelphia, with Harry E. Heller in charge, and with a traveling passenger agent to assist

Internal Revenue Receipts. In the United States internal revenue de-

partment April promises to be one of the largest month so far as receipts are conerned, since the establishment of the office. The applications being received from the outside towns in the district, indicate that many new firms that are compelled to pay the stamp tax are engaging in business. The district includes Nebraska and the Da-

cluding April 29, after which date no fur-ther deposits will be accepted, except in Company against Adkins; Strueve against vent its endangering the safety proaching train and the person each instance in their discretion and upon Schmidt; Graham against Fair; Collier against Peckham; Eastern Banking Company against Tipton; Bodewig against Standard Cattle Company; and Smith against Spotanski; dismissed. Culley against Hager-Unofficial announcement is made that W. man, dismissed unless plaintiff serve and file briefs in sixty days. Ross against Sumner, decree modified as per stipulation. Meng against Coffee, motion to quash bill of exceptions overruled. Nebraska Telephone Company against Cornell, Hayden against Frederickson, and Nebraska National Bank

ruled. Hargadine-McKittrick Dry Goods Company against Krug, rehearing allowed on motion to quash bill of exceptions. State against Omaha National Bank, defendant or-dered to serve and file brief in sixty days. April 6, 1899.—Nelson against Farmland Security Company, motion to quash bill of exceptions on trial of September 27 sustained; motion to quash bill of exceptions on ago, P ck Islan! & Pacifi: Texas officers hearing of November 23 overruled; motion to file granted. Fiske against School District of Lincoln, and Shiverick against Gunning, rehearings allowed. Tomblins against Hig-gins: Plattsmouth Water Company against Smith, Rowe against Griffiths, Grand Island worth against Barker, Blue Valley Lumber Neuman. kins. New Hampshire Fire Insurance

bach, rehearings dented Court adjourned until April 18, when the following cases will be called: Nebraska Telephone Company against Cor-nell, First Nati nal Bank, Omaha, against Goodman, Nelson against Farmland Security effected before they return to Kansas City. against State, and Bradley against Slater.

> Syllabi. No. 8820 McAllister against Pitts. firmed, Appeal from Hall county.

val. J. A question of fact determined on conlicting evidence will not be disturbed on oview, if the finding is sustained by suffireview, if the finding is sustained by sufficient evidence.

2. Where the guaranter of a promissory note tenders to the holder the amount due, which the latter declines to accept, stating that he will not hold the guaranter for the debt, but will look to the maker alone for payment, and the guaranter in reliance on such promise or statement omits to obtain indemnity or otherwise changes his rose tion with reference to the maker or suffers damage, he is discharged to the extent he has been thereby damaged.

No. 8711. Norberg against Plummer, Reversed. Error from Lancaster county.

Norval J.

1 It is error to admit in evidence a book account or a letter until the proper foundation therefor has been leid.

2 Agency cannot be established by the mere declarations of the alleged agent, and in a proper case it is error not to so inis proper case it is error and it is the jury.

o. ***21** Chicago, Burlington & Quincy ifroad Company against Bond. Reversed for from Dundy county. Harrison, C. .

In an action for damases under the prisons of chicago and Compiled Statute petition is fatally defective which if oses no survivor entitled by law to sure the property of the period decased, and in which there is no averment of pecunic action, there is no averment of pecunic petition, there is no averment of pecunic periods. reference to such survivor as it de-ed, there is no averment of pecuniary y. Chicago, Burlington & Quincy Rail-Company against Van Buskirk, filed h s 1839 approved and followed, 8853. Doak against Reynolds, Re-d Appeal from Harlan county, Har-C. J.

versed. Appeal from Harlan county, Harrison, C. J.

If, in the appraisement of real estate preliminary to a sale thereof under execution or to carry out a decree of forecourse, no incumbrances are deducted that no certificates of liens were obtained or filed is not a forceful objection for a defendant the owner of the equity to confirmation of the sale; but if incumbrances are deducted certificates of the liens must be obtained and the copy of the appraisement inclusive of such applications and certificates filed with the clerk of the district court prior to the advertisement of notice of the sale.

No. 2011. Dailey against Burlington & Missouri Railroad Company. Reversed, Error from Douglas county. Harrison, C. J.

1. An employe assumes the ordinary risks of his employment.

2. Notwithstanding a party has negligantly placed himself in a position wherein

LINCOLN, April 5, 1899 .- Court met pur-

their contributory negligence.

4. A pleading may be said to allege what can by reasonable and fair intendment be implied from its statements, and when assalled by general demurrer all it states is to be considered as admitted and unless when viewed in the light of the foregoing rule there is no cause of action stated the pleading must be upheld. No. 8772. Martin against Humphrey. Af-

No. 8772. Martin against Humphrey. Af-firmed. Appeal from Lancaster county. Norval, J.

1. One will not be permitted to adopt that part of a contract, made by his agent with-out any antecedent authority, which is beneficial to him, and repudiate the re-mainder. He must either adopt the whole or none. 2. Where a deed stipulates that the

2. Where a deed stipulates that the grantee assumes and agrees to pay a mort-gage against the premise the grantee is personally liable to the mortgage for the amount of such mortgage debt.

No. 16549. State ex rel Axen against Meserve. Mandamus. Sullivan, J.

1. A public officer is required to perform the duties of his office, however onerous they may be, for the compensation fixed by law.

By section 165 of the revenue act the 2. H: specifical 165 of the revenue act the consurers of the several counties are resulted to pay into the treasury of the state wice each year, and at such other times as no slate to sorer may require, all funds their hands be onging to the state.

2. The duty thus in posed is not disharsed by delivering such runds to an excress company or other carrier for transi. The state treasurer is required to issue racellus to county trensurers only for state warrants actually delivered to him and for money actually paid into the treasury of

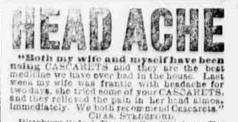
ty reasurer who sends state apreced to the state treasurer mayment of express charges is receipts only for the amount relie state treasurer after deductions. g the cost of carriage.

No. 2670. Smith against Silver. Appeal
on Clage county. Norval, 5.

1. This court is without surisdiction to deranke an equity cause on appeal when the
anscript is not filed with the clerk of said
out within six months from the entry of
a detree or fluid order sought to be reewed.

wed,
A motion for a new trial is not essento a review of an equity cause.
The fining of a motion for a new trial
not extend the time for prosecuting an oppeal. The time for taking an appeal be-time to run from the date of the entry of the decree or final order, and not from the werruling of the motion for a new trial.

Regulates Rouning of Elevators. Owners of buildings hiring passenger elevator conductors who are not possessurs of for any damages equally with the con-ductors, according to a new ordinance in-troduced in the council. Under the present law, no man or boy is allowed to run an elevator unless he secures a license, after examination, under penalty of a fine of from \$1 to \$10, but the owner is permitted to hire an unlicensed conductor if he wishes. The new ordinance not only requires the conductors to take out licenses, but it also provides that any owner of a building who hires an unlicensed conductor shall be liable to a fine of from \$10 to \$50,





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